IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 12TH JUNE 2007 / 22ND JYAISHTA 1929

Con.Case(C).No. 752 of 2007(S)

AGAINST THE ORDER IN BA.688/2007

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: COUNTEMPT PETITIONER/PETITIONER IN BAIL APPL.

VINOD JAMES, S/O JAMES, AGED 39,
GREEN DALE, KALLAI BHAGAM, MARUNAGAPPALLY,
KOLLAM.

BY ADV. SRI.JACOB CHACKO

RESPONDENTS: 1ST RESPONDENT IN BA

TONY SEBASTIAN, S/O NOT KNOWN,
AGE NOT KNOWN, S.I. OF POLICE, KALADY.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 12/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V. RAMKUMAR, J.

Cont. Case(C) No. 752 OF 2007

Dated this the 12th day of June, 2007

J U D G M E N T

Petitioner, who was the applicant in B.A.No.688/2007 for anticipatory bail, alleges that after getting the said application disposed of stating that there was no crime against the petitioner, he was subsequently arrested on 6.3.2007 in connection with Crime No.135/07 of Kalady Police Station and the respondent Sub Inspector has hereby committed contempt of this court by misleading this court that there was no crime registered and subsequently arresting the petitioner.

2. The respondent has filed a statement to the effect that on 19.2.2007 when the application for anticipatory bail was disposed of, there was no crime registered against the petitioner and that it was only on 26.2.07 a private complaint was forwarded to the Police Station from JFCM, Perumbavoor under section 156 (3) Cr.P.C. and Crime No.135/07 was registered accordingly and that the petitioner was arrested on 6.3.2007.

3. In the light of the above statement filed by the respondent, I do not find any good ground to entertain this petition

alleging contempt of court. There is nothing to indicate that on 19.2.07 when B.A.No.688/07 was disposed of, any crime was registered against the petitioner. Even according to the petitioner, there was only apprehension of arrest and harassment and he did not furnish any crime number. Subsequently, if the complainant has on 26.2.07 filed a private complaint before the Magistrate and got it forwarded to the police under section 156(3) Cr.P.C., the respondent Sub Inspector cannot be blamed for that since he had no option except registering the crime and arresting the petitioner. Hence, I see no ground to entertain this petition. It is accordingly dismissed.

(V. RAMKUMAR, JUDGE)

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